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August 16, 2021

## VIA ECF FILING

Hon. Brenda K. Sannes, U.S.D.J.  
Hon. Andrew T. Baxter, U.S.M.J.  
United States District Court  
Northern District of New York  
Federal Building and U.S. Courthouse  
P.O. Box 7336  
Syracuse, NY 13261-7336

Re: Sarah Powers-Barnhard v. Rick Butler  
Case #: 5:19-cv-01208-BKS-ATB


Dear Hon. Sannes and Hon. Baxter,

My firm represents Plaintiff in the above referenced matter. We are sending this letter in response to Defense Counsel's letter. Putting aside Mr. Butler's actions in North Carolina to briefly address Defendant's claims, pursuant to the phone call between Counsel on April 13, 2021, Defendant was supposed to provide Plaintiff with a proposed Order of Confidentiality so that confidential discovery could be exchanged and they still have not done so.

Nonetheless the only discovery outstanding from Plaintiff is Plaintiff's psychological records which just came into our possession this weekend and were intended to be produced this week pending the Order of Confidentiality to protect both parties. As stated multiple times to both Defense Counsel and this Court, Plaintiff has not kept documents regarding this matter herself, as is often the case in child sexual assault matters, and, as such, Plaintiff is having to get documents from other non-parties whom Defendant is familiar with. Conversely, not only were Defendant's responses to their discovery demands also deficient, Plaintiff is still waiting on DCFS documents from Defense Counsel pursuant to her March 23, 2021 email. As such, there are no grounds for sanctions in this matter. In closing, it is again unfortunate that Defense Counsel has asked for sanctions after being directed by the Court not to do so every single time she writes a letter to the Court.

Thank you for Your Honors' attention to these matters.

Respectfully submitted,

  
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